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USPTO  
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**FROM:** SHARON TARANTINO  
908 359 2443 telephone

**DATE:** 2 MARCH 2004

**Number**  
**Of Pages:** forty five (45)

**APPL** 10,004,021  
**Number:** EVA Furniture

As per your request, attached you will find a copy of the Express Mail receipt/ confirmation for our Utility Patent Application response to your communication. Also, attached is the full application argument.

Please call me if you require any additional information. 908 359 2443

Thank you,

Sharon Tarantino

908 359 2443 studio 1423 main street millstone nj 08844 [www.tarantinostudio.com](http://www.tarantinostudio.com)



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PTO/SB/05 (03-01)

Approved for use through 10/31/2002. OMB 0651-0032

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<b>UTILITY PATENT APPLICATION TRANSMITTAL</b>		Attorney Docket No. _____	
		First Inventor _____	Lawrence J. Tarantino
		Title _____	E.V.A. FURNITURE
(Only for new nonprovisional applications under 37 CFR 1.53(b))		Express Mail Label No. _____	

  

<b>APPLICATION ELEMENTS</b> See MPEP chapter 600 concerning utility patent application contents.	<b>ADDRESS TO:</b> Assistant Commissioner for Patents Box Patent Application Washington, DC 20231
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1. <input checked="" type="checkbox"/> Fee Transmittal Form (e.g., PTO/SB/17) (Submit an original and a duplicate for fee processing) 2. <input checked="" type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. 3. <input checked="" type="checkbox"/> Specification [Total Pages <u>6</u> ] (Preferred arrangement set forth below) - Descriptive title of the invention - Cross Reference to Related Applications - Statement Regarding Fed sponsored R & D - Reference to sequence listing, a table, or a computer program listing appendix - Background of the Invention - Brief Summary of the Invention - Brief Description of the Drawings (if filed) - Detailed Description - Claim(s) - Abstract of the Disclosure 4. <input checked="" type="checkbox"/> Drawing(s) (35 U.S.C. 113) [Total Sheets <u>4</u> ] 5. Oath or Declaration [Total Pages <u>    </u> ] a. <input checked="" type="checkbox"/> Newly executed (original or copy) Copy from a prior application (37 CFR 1.63 (d)) b. <input type="checkbox"/> (for continuation/divisional with Box 18 completed) i. <input type="checkbox"/> <b>DELETION OF INVENTOR(S)</b> Signed statement attached deleting inventor(s) named in the prior application, see 37 CFR 1.63(d)(2) and 1.33(b). 6. <input type="checkbox"/> Application Data Sheet. See 37 CFR 1.76	7. <input type="checkbox"/> CD-ROM or CD-R in duplicate, large table or Computer Program (Appendix) 8. Nucleotide and/or Amino Acid Sequence Submission (If applicable, all necessary) a. <input type="checkbox"/> Computer Readable Form (CRF) b. Specification Sequence Listing on: i. <input type="checkbox"/> CD-ROM or CD-R (2 copies); or ii. <input type="checkbox"/> paper c. <input type="checkbox"/> Statements verifying identity of above copies <b>ACCOMPANYING APPLICATION PARTS</b> 9. <input type="checkbox"/> Assignment Papers (cover sheet & document(s)) 10. <input type="checkbox"/> 37 CFR 3.73(b) Statement [Power of Attorney] (When there is an assignee) 11. <input type="checkbox"/> English Translation Document (If applicable) 12. <input type="checkbox"/> Information Disclosure Statement (IDS)/PTO-1449 [Copies of IDS Citations] 13. <input type="checkbox"/> Preliminary Amendment 14. <input type="checkbox"/> Return Receipt Postcard (MPEP 503) (Should be specifically itemized) 15. <input type="checkbox"/> Certified Copy of Priority Document(s) (If foreign priority is claimed) 16. <input type="checkbox"/> Nonpublication Request under 35 U.S.C. 122 (b)(2)(B)(i). Applicant must attach form PTO/SB/35 or its equivalent. 17. <input checked="" type="checkbox"/> Other: AFFIDAVIT UNEXPECTED COMMERCIAL SUCCESS
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18. If a CONTINUING APPLICATION, check appropriate box, and supply the requisite information below and in a preliminary amendment, or in an Application Data Sheet under 37 CFR 1.76:

☐ Continuation    ☐ Divisional    ☒ Continuation-in-part (CIP)    of prior application No. 10, 004,021

Prior application information:    Examiner: HAI VO    Group Art Unit: 1771

For CONTINUATION OR DIVISIONAL APPS only: The entire disclosure of the prior application, from which an oath or declaration is supplied under Box 5b, is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference. The incorporation can only be relied upon when a portion has been inadvertently omitted from the submitted application parts.

  

**19. CORRESPONDENCE ADDRESS**

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Name (Print/Type)		LAWRENCE J. TARANTINO		Registration No. (Attorney/Agent)			
Signature				Date		12 Jan 04	

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**TITLE: E.V.A. FURNITURE**

**Inventors:** Lawrence J. Tarantino, AIA  
Sharon A. Tarantino  
Millstone, NJ

**BACKGROUND OF THE INVENTION**

This application is a Continuation in Part of Application No.10/004,021 filed 11/02/2001.

The present invention relates generally to modular furniture and, more particularly, to new and improved modular furniture designs using ethylene vinyl acetate as the material for the construction of furniture.

**DESCRIPTION OF THE RELATED ART**

Traditionally, furniture designs have utilized wood, metal or a foam core to provide stability and structure for the furniture form. The furniture frames are typically covered with foam padding and then fabric upholstery is stretched over the padding. The inventors are unaware of any furniture where the foam is the structure, as well as, the exposed final finish. Additionally, other furniture designs with laminated materials do not offer both structural capabilities and at the same time a soft resilient seating surface.

The following patents are pertinent to this invention: US-5,240,528, Pagni, Larry P.; US-4,822,661, Battaglia, Gino; and US-4,666,947, Brichta et al. Brichta teaches furniture formed from slabs of EVA foam having a density of 38 *kg/m3*. Pagni teaches a furniture piece 10 consisting of a plurality of stone tile members that are adhesively butt-joining to form planar panel members (figures 1 and 3, column 3, lines 50-65). Pagni also teaches the large structural rigidity of a plurality of smaller tiles and being cut to the requisite size to form the different surfaces of the furniture object which is desired of the furniture piece (column 4, lines 14-20).

## DESCRIPTION OF THE RELATED ART

Pagni teaches the panel being cut to the specific size to form the different surfaces of the furniture object which is desired and the surfaces being grinded to a smooth finish (column 3, lines 60-65, column 4, lines 13-14). Battaglia, teaches that panels are cut to specific size by band saw.

## SUMMARY OF THE INVENTION

The proposed furniture in accordance with the invention can be produced in a wide variety of forms using ethylene vinyl acetate, herein referred to as E.V.A, and other suitable polymer materials having similar properties.

E.V.A. is a closed-cell, dense resilient foam that is unique in the field of present furniture design applications. It is commonly used in the production of mouse pads, shoes, automotive parts, athletic equipment padding and mats, as well as children's two-dimensional toys. However, it has not been found that E.V.A. has been used in the construction of furniture design. The development of the furniture design potential began with the understanding that the unique physical properties of E.V.A. are structurally capable of supporting human weight and thereby, providing a useful piece of furniture. Because of the material's soft characteristic, the design shape may have square, rectangular, sharp edges without the usual comfort and safety concerns in chairs of other typical materials, i.e. wood, metal or plastic. Additionally, E.V.A. is safe, durable, washable, non-toxic, non-flammable, and can be protected from ultraviolet sunrays.

E.V.A. can be produced in unlimited colors and does not require covering or additional coating or finishing. Other foam chairs presenting available have a plastic coating and/or fabric covering. These unique physical properties of the E.V.A. material provide opportunities in

## SUMMARY OF THE INVENTION

furniture design for children, as well as adults. The furniture fabrication process begins with manufacturing the E.V.A. raw material in various densities that are identified by the manufacturing industry in weight. The inventors have determined that the preferred density for the production of chairs is 40 kg/cubic meter because it provides adequate strength to support weight and durability. However, a range of 24 - 128 kg/cubic meter in densities may be utilized. E.V.A. is manufactured in a thickness of approximately 120 mm and is referred to in the industry as a bun. The inventors have developed a formula that relates the thickness of E.V.A. sheets and proportion of the furniture to the user, i.e. size and weight of the person. The thicknesses of the E.V.A. sheet =1 unit and 3 units =1 module. These units and modules can increase or decrease depending upon the size chair desired. In the case of a child's chair, the unit size (E.V.A. sheet thickness) would be approximately 30mm and an adult full-scale chair would be 40 mm.

Once the exact thickness of the E.V.A. has been determined, the bun is trimmed into sheets and then the shapes are die-cut into a nested pattern. The nested pattern provides a cost effective method of fabrication with minimal material waste. The die-cut E.V.A. pieces are then laminated together with adhesive and then ground to a smooth finish.

Because the design is based upon a modular formula the chairs can be easily stacked in various configurations. Also, because the E.V.A. has a smooth suede-like finish it provides friction that keeps the stacking chairs in place. The interlocking stacking options are particularly useful for a child's chair where up to eight (8) chairs can be safely stacked on top of each other. Also, the child's chair is light enough (approximately 3 lbs.) so that a child can carry it while not damaging anything or anyone in his or her path.